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THE
TRYAL
OF
Sir EDWARD MOSELEY.

Price Six Pence.

Imprimatur,

GILBERT MABBOT.

Feb. 8. 1647.

• Price-Six Pence.

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THE
T R Y A L
O F

Sir *Edward Moseley*, Bart.

Indicted at the *King's-Bench-Bar*,
for Committing a RAPE up-
on the Body of Mrs. ANNE
SWINNERTON: *January 28.*
1647.

To which are added,

The DEPOSITIONS against Mr. CLARK,
Pastor of a *Presbyterian* Congregation,
at *Lambeth*, for Committing *Fornica-*
tion with the Widow COLEMAN, of
the said Parish, *Anno 1708.*

L O N D O N.

Printed by E. G. for W. L. 1647.

Reprinted by E. CURLL 1712

THE
TRIAL
OF

Sir Edward Myles, Bart.

indicted at the King's Bench-Bar
for Committing a Rape
on the Body of MARY
SWINNEY ON: January 23.
1647.

JUN 23 1919

To which are added,

The Deposition against Mr. CLARK,
Pastor of a Presbyterian Congregation,
at Lambeth, for Committing Fornica-
tion with the Widow GORMAN, of
the said Parish, Anno 1708.

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THE
TRYAL
 OF

Sir Edward Moseley, Bar^t

*This TRYAL was taken the 28th
 Day of January, in the 23d Year
 of King CHARLES, An. Dom.
 1647. Before Mr. Justice BA-
 CON, and Mr. Justice ROLLES, in
 Hillary Term in Banco Regis.*

S*IR Edward Moseley, Baronet, Indicted
 for Felony and a Rape, committed
 upon the Body of one Anne Swin-
 nerton, Wife to one Mr. Swinnerton a
 Gentleman of Gray's-Inn.*

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First,

First, Sir Edward Moseley appear'd at the Bar and pleaded not Guilty; *Secondly*, Mr. Swinnerton and his Wife appear'd to give Evidence; Then the Court demanded of Mr. Swinnerton what Council he had ready to open the Indictment? Mr. Swinnerton answer'd, that there had been such tampering with him and his Witnesses to stop the Prosecution; that he could get no Lawyers to open his Wife's Case. The Court asked him whether he had spoken with any Lawyers to be of his Council, he said he had, but none would undertake it; only Mr. Cooke had promised him that he would open the Indictment for him, but he appears not; so that by the tampering of Sir Edward Moseley, Mr. Lowder, Mr. Winstanley, Mr. Blore, and Mr. Brownell, and twenty more, none would assist him in the maintaining of the Indictment.

These Gentlemen before named appeared in Court, and did not deny, but that they did use what means they could (in a fair way) to put up the Business betwixt

Sir Edward Moseley, Bart. 3

betwixt Sir *Edward Moseley* and Mistress *Swinnerton*, which they conceived they might lawfully do, believing it could not possibly be a Rape, having had Intelligence of some former Passages in it: Then the Court said, Mr. *Swinnerton*, if you had desired Council, the Court would have assigned you Council. Then Mr. *Swinnerton* proceeded with his Evidence, (saying) coming home to my Chamber about six of the Clock in April 1647, I found Sir *Edward Moseley* come rushing out of my Chamber, and I entring saw my Wife thrown upon the Ground, with all her Cloaths torn, and the Bed-Cloaths torn, and hanging half-way upon the Ground, my Wife crying and wringing her Hands, with her Cloaths all torn off her Head, and her Wrist sprained, Sir *Edward Moseley* having thrown her violently upon the Ground; whereupon (seeing her in this Condition) I asked her what was the Matter? She said, Sir *Edward Moseley* had Ravished her. Mr. *Swinnerton* farther informed the Court, that Sir *Edward Moseley* two or three Days

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before.

4 *The* TRYAL of

before he did the *Rape*, said, that he would ravish my Wife, though he were sure to be hang'd for it.

Then *Mistress Swinnerton* began her Evidence, saying, upon my Oath here I swear, that he said he would force me to my Bed; and then he swore God Damn him, he would Lye with me, though he were sure to die for it: Then he takes me and carries me to a narrow Place, betwixt the Wall of the Bed, and with his Hands forced my Hands behind me, and lay with me whether I would or no: Here *Sir Edward Moseley* interrupted her, saying, did not your Husband come to the Chamber Door at that time you pretended you were Ravish'd, and knock'd at the Door, and I would have opened the Door for him; whereupon you said it is my Husband, let the drunken Sot stay without, and would not suffer me to open the Door, and asked her whether she did not say so? She said it was false; then the Court demanded of *Mr. Swinnerton*, what he said to his Wife when he found her in this manner? *Mr. Swinner-*

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Sir Edward Moseley, Bart. 5

on answered, I said, that if she were Ravish'd as she said she was, she must take her Oath of it, and indite him for it; and if she did not, he would believe that she had play'd the Whore with him, and he would turn her off, and live no more with her, and she should be *Sir Edward Moseley's* Whore altogether, but (said he) being desirous to be farther satisfy'd in the Business, I often sought for *Sir Edward Moseley*, but could not find him, for he had fled away from his Chamber.

One Day I met him accidentally in *Holborne*, and desired to speak a word with him, he said he knew my Business, but he was in haste and could not stay; Then I told him I had earnest Business with him, and I must speak with him; he told me he suspected I had some Design to arrest him, and would not be perswaded to stay; then I prest him, that if he would go a drink a Cup of Ale with me, he should come in no Danger concerning any Arrest at all; and if he then would give me Satisfaction, I

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would not prosecute the Law against him: The Court demanded of him what he meant by Satisfaction? Mr. *Swinerton* answered, only to know what he could say to excuse himself; the Court said, why, would you believe him before your Wife? Mr. *Swinerton* answered, my meaning was, if he could satisfy me that my Wife was consenting to it, I had rather wave the Prosecution, than bring my Wife and my self upon the Stage, and this was my Intent, and no other.

Then the Court asked Sir *Edward Moseley*, how Mr. *Swinerton's* Wife came to have her Cloaths torn and ruffled in this manner (none but he and she being in the Room?) Sir *Edward Moseley* answer'd, she always went very ill favour'dly in her Apparel: Then the Court asked Mistress *Swinerton*, whether there were any in the Room but Sir *Edward* and her self? she answered, a little before there was my Maid, but I had sent her to the Baker's House for Bread for my Children, and in the mean

Sir Edward Moseley, Bart. 7

mean while he lay with me against my Will.

Then the Court asked the Maid what she could say: she said, when I came from the Baker's, and entring into the Chamber, I found my Mistress crying, and wringing her Hands, saying, she was undone: Also I heard Sir *Edward Moseley* say, before I went to the Baker's, that he would Lye with my Mistress though he were sure to be hang'd for it; and at all times he was wont to be very uncivil and rude when he came into the Chamber: Once he came into the Chamber when I was there alone, truly I durst not stay in the Chamber, for I always observed, he was so Lecherously given, that any Woman, were she never so mean, would serve his turn: At this time he came into the Chamber a little before I went to the Baker's, I observed he would fain have thrown my Mistress upon the Bed when I was there, but my Mistress would not yield to it, but grew very angry with him, and said he was a Rogue, and spit in his Face, yet he would

would not let her alone; whereupon I told him, if he would not be more civil, I would call my Master, and if he came, he would crack his Crown for using my Mistress so uncivilly; Sir *Edward Moseley* answer'd, he cared not a Fart for my Master, and that for me, I was a base Jade, and he would make me kiss his — What? said the Court, but the Maid having some Modesty could not bring it out; then said her Mistress, he said she should kiss something that was about him? What was that? said the Court again, Mr. *Swinnerton* answered, he said he would make her kiss his Arse; then the Court said to the Maid, you must not be so nice in speaking of the Truth, being upon your Oath. Mistress *Swinnerton* said, then came Mr. *James Winstanley* to tamper with me from Sir *Edward Moseley*, and told me, if I pleas'd to accept of a hundred Pounds, I should have it, if I would be Reconciled to Sir *Edward Moseley*; then the Maid said, my Mistress made this Answer, she cared not for Money: Mistress *Swinnerton* said, it is true, I said so; and

Sir Edward Moseley, Bar^r. 9

and this I said, if Sir *Edward Moseley* would
down upon his Knees and confess that
he had wronged me, I would not prose-
cute him; but also I resolved that he
should wear a Paper upon his Breast, or
upon his Hat, acknowledging the Inju-
ry he had done unto me; if he would
do so, I would forgive him. Then said
he, Mr. *Winstanley* desired to know
where the Place was in the Room where
I was Ravish'd; whereupon I shewed
him. Mr. *Winstanley* answered, this is such
a Place for such a Business, that if I had
the strongest Woman in *England*, I could
ravish her here whether she would or no.

Then the Prosecutors for the King
having ended their Evidence, the Court
asked Sir *Edward Moseley* what he could
say for himself? He said, he had many
Witnesses, and desired that they might
be examined what they could say in his
behalf.

Then Mr. *Kilvert* was called in, who
appeared: The Court said, Mr. *Kilvert*,
tho' you be not upon your Oath, you
must speak the Truth in the fear of God;
Mr. *Kil-*

Mr. *Kilvert* answered, I know it my Lord; what I shall say here, I speak it in the Presence of God, and I shall speak no more than what is Truth: *Mistress Swinnerton* seeing him, said, I hope no Body will believe what this Knave *Kilvert* will say, for he is a Knave known to all the Court, and all that hear him. Then Mr. *Kilvert* went on with his Evidence, saying, I thank God this is the second time I ever came into this Woman's Company; the first time, was at the *Fleece-Tavern* in *Covent-Garden*, where she came to a Dinner to meet with Sir *Edward Moseley*: As soon as she had sat down at the Table, she said, that this Room had bin a very lucky Room to her; for once before in this Room, she had received three hundred Pounds for the Composition of a Rape, which she charged a Reverend Divine withal; I shall not stick to name the Man, she said it was Doctor *Balkanqual*: This Doctor I knew him to be a reverend good Man, and to my Knowledge is long since dead, and I believe in Heaven; and for this Rape,

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Sir Edward Moseley, Bart. 11

he said then, she would not take under two thousand Pounds for a Composition of *Sir Edward Moseley*, which she said was little enough, he having three thousand Pounds a Year; *Mistress Swinnerton* on hearing of this, clap'd her Hands at him, and said, he was a Knave, and a Rascal, and all was false which he said.

Then the Court said to her, *Mistress Swinnerton*, you should carry your self soberly and moderately, otherwise you will disparage all your Witnesses. Then the Court asked her, whether she did meet at this Tavern (having affirmed before, that she never was in *Sir Edward Moseley's* Company but in her own Chamber?) Whereupon she staggered at it a little, and was loath to confess it; at last she answered, that it was true, she was there, but this Rascal *Kilvert* had bewitch'd her to come thither. *Mr. Kilvert* said farther, after she had sat a while at the Table, she takes her Stool and removes it to sit next to *Sir Edward Moseley*, and there falls a hugging and embracing him; whereupon said he, surely

ly Lady, whereas you say Sir Edward hath ravish'd you, I do believe rather you have ravish'd him, otherwise you would not make so much of him; so Mr. *Kilvert* made an end of his Evidence.

Then Mr. *Wood* another Witness, said, he met Her at *Islington* in Sir Edward *Moseley's* Company; and there she confess'd to him, that Sir Edward *Moseley* had many times left the Key of his Chamber with her, to go to him when she pleas'd; and she said, she had often made use of it. Then said this Witness, after I had seriously look'd upon her, and perceiving her to be a Woman of great Strength of Body, I said, I wonderd Sir Edward *Moseley* should ravish her: She said, do you wonder at that? Why do you take me behind the Bed there, (there being a Bed in the Room) and see whether you may not do the same.

Another Witness said, that she had confess'd to him, that Sir Edward *Moseley* once lay with her by her Consent; afterwards she ask'd him, now what will you

Sir Edward Moseley, Bar. 13

You give my Maid, you must give her something? He answered, I will give her four Shillings; whereupon she said, four Shillings, that's base, you cannot give her less than Ten Pounds and a Silk Petticoat; but saith she, when he went out of Doors, the Maid said he gave her nothing but a Groat, and so basely went his way.

Another Witness said he heard her say, (that it being generally known that Sir Edward Moseley had ravish'd her) she was like to lose many of her best Customers in Town.

Another Witness said, he heard *Swinnerton* say, that if she would not take her Oath that she was ravish'd by him, she should never be any Wife of his: Afterwards Mr. *Winstanley* was called into the Court, he said, 'tis true she took me, and shew'd me the Place where she was Ravish'd. He wondring how Sir Edward being but a little Man, and she such a lusty Woman, should be Ravish'd by him? Why said she, should you wonder at that? Then she put her Leg be-

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tween

tween my Legs, and put out her other Leg, setting her Foot against the Wall, saying, now in this Posture as you see me here, I my self could ravish any Woman whatsoever.

Another Witness said, the Night before she went to prefer the Bill of Indictment against Sir *Edward Moseley*, she confessed, she had like to have been distracted and run Mad, for fear the Grand Jury should find the Bill.

Two other Witnesses affirmed upon their Credit; whereas it was said by Mr. *Swinnerton* and his Wife, (both rigid Presbyterians) that Sir *Edward Moseley* fled from his Chamber immediately after the Act was done: they said, they had daily Recourse to his Chamber, and walk'd to, and fro, with him, sometimes in *Gray's-Inn* Walks, sometimes to *Westminster*, and to other Places in the Town for six Weeks together after this pretended *Rape*; and many times they saw Mistress *Swinnerton* stand at her own Door looking upon him, as he past by (which was but six and

Sir Edward Moseley, Bart. 15

Steps from Sir *Edward's* Chamber-Door) and never questioned about it; but oftentimes (they said) seeing her stand watching there, they feared she would go up to him, and tempt him to Wick-
edness.

Then Evidence being given on both sides, the Jury went from the Bar and returned, and gave their Verdict, That Sir *Edward Moseley* was not Guilty. Then the Court said, Sir *Edward Moseley*, take heed what Company you keep hereafter; Let this be a warning to you, you see into what Danger you bring your self by keeping ill Company.

Sir Edward Mosley, Bar. 17

... from Sir Edward's Chamber-Door) and never questioned about it; but of-
... (they said) seeing her hand
... there, they feared the world
... up to him, and tempt him to Wick-

Then Evidence being given on both
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THE
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OF
Mr. CLARK
AND THE
Widow COLEMAN.

THE
C A S E
OF
Mr. CLARK
AND THE
Widow COLEMAN.

20 The Case of Mr. Clark, &c.
own House, and the having a Bishop
the Clerk the Dismissing Parson with the
laid Widow Coleman's Rude and Dis-
orderly Manner, which gave her Ren-
der to suppose they were Lowd-
CASE

OF

Mr. CLARK

AND THE

Widow COLEMAN.

Depositions against Mr. CLARK.

Jane Lease of the Parish of **Lambeth**,
in the County of **Surrey**, Potmaker,
maketh Oath; that on **Friday** the **28th**
of **May**, about **ten of the Clock** at
Night, being in her Chamber in her
own

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own House, and she having a Prospect into the Widow Coleman's House, she saw Clark the Dissenting Parson with the said Widow Coleman in a Rude and Disorderly Manner, which gave her Reason to suspect, they were Lewd together.

Jane Lease.

Jurat. Coram me

1 Die June

A. D. 1708. Jam. Plume.

John Lease, and Jane his Wife, and Anne Henderson, of the said Parish of Lambeth, do personally make Oath, that having some Reason to suspect there was some Lewdness acted between Clark the Dissenting Parson, and the Widow Coleman, in whose House he Lodges; they all went into Lease's upper Chamber, and looking out of the Window, they saw the Widow Coleman come into his Chamber, and sat the Candle upon the Table, and sat her self down upon the Bed; the said Clark came and sat himself down by her, and em-
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The Case of Mr. Clark, &c. 21

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1 Die June 1708.
Jam. Plume.

rac'd her, and kiss'd her several times;
and after some time undress'd himself
to his Shirt, and she the same unto her
Shift; and then he took her in his Arms
and laid her down in the Bed, and went
himself into Bed after her, and then the
Candle by one of them was put out.

J. Lease.

Jane Lease.

Anne Henderson

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John Bagshaw of *Lambeth* Potmaker,
John Lease, and *Jane* his Wife, and
Henderson of the said Parish, severally
make Oath; that *Sunday* being the 30th
of *May*, about eleven at Night they be-
ing all together in *Mr. Lease's* Room,
they saw *Clark* the Dissenting Parson,
and the Widow *Coleman*, come into his
Lodging-Room in her House, and he
the said *Clark* set the Candle upon the
Table, and she came to the Window
and drew the Curtains a little closer, and
then she turned her Face towards him,
then he took her and embraced her, and
kiss'd

22 *The Case of Mr. Clark, &c.*

kiss'd her several times; and he took a little Bottle in his Hands, and drank to her, and she pledged him; and then he began to pluck out her Pins, and undress'd her, and then sat down upon the Bed together, and after some time got up again, she being in her Shift, he took her in his Arms, laid her in the Bed, and then turning himself towards the Window and undress'd himself, and went to Bed to her, and left the Candle burning on the Table.

Jurat. Coram me
1 Die June 1708.
James Plume.

J. Bagshaw.
J. Lease.
Jane Lease.
Anne Henderson.

JUNE 1.

John Skinner of the Parish of Lambeth one of the Church-Wardens of the said Parish, and John Lease of the said Parish declare upon their several Oaths that upon Tuesday the 1st of June about ten a Clock at Night, they saw Clark

The Case of Mr. Clark, &c. 23

The Dissenting Parson and the Widow Coleman, come into Clark's Lodging-room together in her own House, and she set the Candle upon the Table, and she sat her self down by the side of the Bed, and then he flung her Morning-gown open, and shut the Casement, and drew the Window-Curtain a little, and then turn'd himself to her, and took his Night-Cap and put on, and then sat down upon the Bed-Side by her, and both were out of Sight for a little time; and then he got up and pulled his Gown off and laid it by, and they both stood up in their Shifts; and then he took her in his Arms and laid her down in the Bed, and moved the Candle and Window-Curtain a little, and went to Bed to her.

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Jurat. Coram me
1 Die June.
Jam. Plume.

J. Skinner.
J. Leafe.

John

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John Bagshaw aforeſaid maketh Oath, that on *Thurſday* the 3^d of this Inſtant *June*, being charged by one of the Headborough's of the ſaid Pariſh to aſſiſt him, and go along with him to ſerve a Warrant on Mr. *William Clark* the Diſſenting Parſon; and going to the Widow *Coleman's* Houſe where he Lodg'd, to aſk the Widow *Coleman* for Mr. *Clark*, ſhe made Answer he was in Bed; then the ſaid Headborough and my ſelf went up Stairs to his Chamber, and he ſhut the Door againſt us; that the Headborough ſaid he would break it open if he would not open it; ſo with many Perſwaſions he opened the Door, and then entering the Room, we found the Widow *Coleman's* Shoes and Stockings by the Bed Side, and her Apron in a Chair in the ſame Room, and looking into the Bed, there was an Impreſſion of two People's Heads lying on the two Pillows, and

The Case of Mr. Clark, &c. 25

and then went up Stairs into the Garret, and found a little Child in a Bed by it self, and no Impression of any Body else that had laid in the same Bed.

John Bagshaw.

Jurat. 3^o Dei Junii

Coram me

Jam. Plume.

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eight Years Marriage, commenced a
Suit

Suit against him for *Impotency*; The Intrigue between her and the Earl of *Somerset*, who after the Divorce married her. III. The Case of *John Bury* Esq; who was divorced for want of his Testicles. IV. The Earl of *Castlehaven's* Tryal before his Peers, for *Sodomy* and a Rape. V. The whole Proceedings before the House of Lords, between the Duke of *Norfolk* and his Dutcheß; with a Detection of the whole Intrigue between her Grace and Sir *John Germin*, with the learned Speeches made upon this Occasion by Sir *Thomas Powys*, Sir *Nathan Wright*, Sir *Edward Northey*, Sir *Samuel Dodd*, Dr. *Pinfold*, Dr. *Olyds*, &c. VI. The Marquis of *Northampton's* Case. VII. The Earl of *Macclesfield's* Case. VIII. The Lord *Ross's* Case. IX. The Case of the Dutcheß of *Cleaveland*, and Beau *Fielding*, with the whole Proceedings between them in *Doctors Commons*, and Sir *John Cook's* Definitive Sentence at large in this remarkable Tryal; also, Memoirs of Mr. *Fielding's* Life, a Collection of his Love Letters, a full Account

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